FEDERAL REGISTER

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Washington, Wednesday, March 17, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9934A

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE MEAT-PACKING INDUSTRY OF THE UNITED STATES

WHEREAS there exists a labor dispute between Swift and Company, Armour and Company, Wilson and Company, Cudahy Packing Company, Hygrade Food Products Corporation, and John Morrell and Company, and certain of their employees represented by the United Packinghouse Workers of America (C. I. O.) involving wages; and

WHEREAS in my opinion such dispute threatens to result in a strike or lock-out affecting a substantial part of the meat-packing industry, an industry engaged in trade or commerce among the several States or with foreign nations, or in the production of goods for commerce, which strike or lock-out, if permitted to occur, will imperil the national health and safety;

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor Management Relations Act, 1947 (Public Law 101, 80th Congress) I hereby create a Board of Inquiry, consisting of such members as I shall appoint, to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of the said Act. The Board shall report to the President in accordance with provisions of section 206 of the said Act on or before April 1, 1948.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said Act, until the Board is terminated by the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 15, 1948.

[F. R. Doc. 48-2369; Filed, Mar. 16, 1948; 10:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—Housing and Home Finance Agency

PART 703—PUBLIC WAR HOUSING

DISPOSITION OF FEDERALLY OWNED PERMANENT WAR HOUSING

Part 703 (12 F. R. 5750, 8067) is amended in the following respects:

1. Paragraph (e) of § 703.59 is amended to read as follows:

§ 703.59 *Conditions of sale.* * * *

(e) *Veterans' preference in case of subsequent sale or rental.* Until January 1, 1950, first preference in resale, rental or subrental of dwelling units shall be given to veterans (except that the resale preference shall not apply where 5 or more dwelling units previously purchased by a nonpriority purchaser under §§ 703.51 to 703.66 are being resold to one individual, association, partnership or corporation for other than occupancy by the purchaser). Such preference shall be deemed to be complied with only if the unit being sold or becoming available for rental is publicly offered in good faith for sale or rent to veterans for a period of at least 30 days at a sale or rental no higher than that at which it is later offered (or for which it is later sold or rented) to other than a veteran.

2. Paragraph (b) of § 703.64 is redesignated paragraph (c) and a new paragraph (b) is added to said section to read as follows:

§ 703.64 *Exceptions.* * * *

(b) *Foreclosure sales.* Nothing contained in §§ 703.51 to 703.66 shall be construed as applying to or limiting any foreclosure sale made pursuant to the terms of a mortgage or deed of trust given by a purchaser of property to secure a bona fide indebtedness of said purchaser.

(Sec. 1, 54 Stat. 1125, as amended, sec. 2, 59 Stat. 613, as amended; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

Issued this 16th day of March 1948.

RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 48-2286; Filed, Mar. 16, 1948; 8:54 a. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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TITLE 29—LABOR

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Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

ENFORCEMENT POLICY STATEMENTS; MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this chapter.

PART 779—RETAIL AND SERVICE ESTABLISHMENTS

§ 779.2 *Enforcement policy concerning nonexempt selling and servicing.* The Division has taken the position that an establishment may be regarded as a "retail or service establishment" within the meaning of the exemption provided by section 13 (a) (2) of the Fair Labor Standards Act despite the fact that it makes some nonretail sales or engages in some nonexempt servicing. An establishment which otherwise qualifies for the exemption but which makes some nonretail sales or performs some nonexempt servicing will nevertheless be considered to be within the exemption if the gross receipts from nonretail sales or nonexempt servicing (or, in the case of an establishment which engages in both selling and servicing, from a combination or both) are not substantial in relation to the total gross receipts of the establishment. For purposes of enforcement, the Administrator will consider the nonretail selling or nonexempt servicing of an establishment to be substantial if the gross receipts from such selling or such servicing (or, in the case of an establishment which engages in both selling and servicing, from a combination of both) constitute more than one-quarter (25 percent) of the total gross receipts of the establishment.

For purposes of enforcement, the computation of the gross receipts from retail and nonretail selling and from exempt and nonexempt servicing will be based upon the semiannual record of sales of the establishment. The analysis of sales from January 1 to June 30 and July 1 to December 31 will be used in making the computation. If, during such six-month period, the nonretail sales or nonexempt servicing (or both combined, in the case of an establishment which engages in both selling and servicing) were not sub-

stantial in relation to the total gross receipts of the establishment, the establishment will be considered within the exemption during that period. Conversely, if a substantial portion of the selling or servicing, or of both combined, was nonexempt in character, the establishment will not be considered exempt for the period. If an establishment was exempt for any such six-month period, the fact that during certain workweeks a substantial portion of the sales or services, or both, engaged in by the establishment was nonexempt in character will not deprive the establishment of the exemption for those workweeks. On the other hand, if an establishment was nonexempt for any such six-month period, the establishment will not be considered to be within the exemption even during workweeks in the period in which the non-retail sales and nonexempt services were not substantial.

For purposes of enforcement, the Administrator will recognize the following two principal exceptions to the six-month test described in the preceding paragraph:

(a) Cases in which the six-month analysis indicates that more than 25 percent of the selling or servicing of the establishment was nonretail or nonexempt, but such analysis clearly fails to present a picture which is representative of the selling or servicing of the establishment. To obviate the possibility of manifest distortions resulting from an inflexible application of the six-month rule in these cases, the analysis will be extended back to cover an additional six-month period. The gross receipts derived from sales and services for the full year will then be used to ascertain whether more than 25 percent of the total gross receipts was derived from nonretail sales and nonexempt services.

(b) Cases in which the six-month analysis clearly indicates that the basic character of the selling or servicing of the establishment, or both, changed at some particular point during the six-month period. To insure the equitable application of the exemption in these cases, the determination with respect to the character of the establishment will be made to correspond with the time of the change in the nature of the selling or servicing of the particular establishment.

In determining whether the greater part of the selling or servicing of a given establishment is in intrastate commerce within the meaning of the exemption, for purposes of enforcement, the Administrator will adopt the same six-month test described above, together with the exceptions thereto. In the ordinary case a six-month period will be the standard and the analysis of all sales from January 1 to June 30 and July 1 to December 31 will be used to determine whether during each such six-month period the greater part of the selling or servicing of the establishment (or both, in the case of an establishment which engaged in both selling and servicing) was in intrastate commerce. If during such period over 50 percent of the gross receipts of the establishment were derived from sales or services (or both, in the case of an establishment which engages in both selling and servicing) in intrastate commerce, the establishment will be considered to have qualified for this aspect of the exemption during that period. Conversely, if 50 percent or more of the gross receipts were derived from sales or services (or both, in the case of an establishment which engages in both selling and serving) not in intrastate commerce, the exemption will be inapplicable for the period. If the greater part of the total selling or servicing of an establishment for any such six-month period was in intrastate commerce, the fact that during certain workweeks 50 percent or more of such selling or servicing was not in intrastate commerce will not defeat the exemption for those workweeks. On the other hand, if during any such six-month period 50 percent or more of the total selling or servicing was not in intrastate commerce, the exception will be inapplicable to the establishment during such period, even for workweeks in the period in which the greater part of its selling or servicing was in intrastate commerce.

PART 783—SEAMEN EXEMPTION

§ 783.50 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (a) (3) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial.[1] For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

PART 784—SEAFOOD AND FISHERY EXEMPTION

§ 784.1 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (a) (5) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

PART 786—MISCELLANEOUS EXEMPTIONS

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SUBPART A—CARRIERS BY AIR

§ 786.1 *Enforcement policy concerning performance of non-exempt work.* The Division has taken the position that the exemption provided by section 13 (a) (4) of the Fair Labor Standards Act will be deemed applicable even though some non-exempt work (that is, work of a nature other than that which characterizes the exemption is performed by the employee during the workweek, unless the amount of such non-exempt work is substantial. For enforcement purposes, the amount of non-exempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

SUBPART B—STREET, SUBURBAN, OR INTERURBAN ELECTRIC RAILWAYS AND LOCAL TROLLEY OR MOTOR BUS CARRIERS

§ 786.50 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (a) (9) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

SUBPART C—SWITCHBOARD OPERATOR EXEMPTION

§ 786.100 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (a) (11) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

SUBPART D—EMPLOYEES SUBJECT TO PART I OF INTERSTATE COMMERCE ACT

§ 786.150 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (b) (2) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the

[1] See § 783.2 (c).

amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

(Sec. 3, 60 Stat. 238; 5 U. S. C. Sup. 1002)

Signed at Washington, D. C., this 9th day of March 1948.

F GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division,
U. S. Department of Labor

[F. R. Doc. 48-2313; Filed, Mar. 16, 1948; 9:00 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MARCH 11, 1948.

Part 203 (appearing also as Treasury Department Circular No. 92, Revised) is hereby amended as follows:

1. Section 203.0 is hereby amended to read as follows:

§ 203.0 *Introductory.* Banks and trust companies designated and qualified pursuant to the terms of this part are given the title "Special Depositaries of Public Moneys" and are hereinafter referred to as "special depositaries." Special depositaries are permitted to make payment in the form of a deposit credit for the purchase price of United States Government obligations purchased by such banks or trust companies for their own account or for the account of their customers, who enter their subscriptions through these banks or trust companies, when this method of payment is permitted under the terms of the circulars inviting subscriptions to such issues. The deposit credits set up under this designation are called "War Loan Deposit Accounts." A special depository which is also qualified as a Depositary for Withheld Taxes under Part 212 of this chapter may, in lieu of making direct remittances to the Federal Reserve Bank from the account entitled "Withheld Taxes," elect to make such remittances by transfer to the "War Loan Deposit Account" with an appropriate notice to the Federal Reserve Bank of such transfer. Under this arrangement the large sums of money raised by the Treasury through financing operations are left on deposit in local banking institutions until the Treasury needs to withdraw them to meet Government expenditures thus avoiding the dislocations in the banking system which might result from immediate withdrawal of such funds.

2. Section 203.5 is hereby amended to read as follows:

§ 203.5 *Amount of deposits for which application will be made.* In fixing the maximum amount of deposits for which it will apply, the applicant bank or trust company should be guided by (a) the amount of the payments which it expects to make, on subscriptions made by or through it for bonds, notes, certificates of indebtedness, and Treasury Bills of the United States issued under authority of the act, (b) the amount of funds to be transferred from the special account entitled "Withheld Taxes" to the "War Loan Deposit Account" on its books, and (c) any statutory limitations upon the amount of deposits which the applicant bank or trust company may receive from any one depositor.

3. Section 203.13 is hereby amended to read as follows:

§ 203.13 *Payment by credit of amounts payable on subscriptions; form of notice.* Qualified special depositaries, if and to the extent from time to time hereafter authorized by the Secretary of the Treasury, may be permitted to make payment by credit, when due, to a War Loan Deposit Account, of amounts payable on subscriptions made by or through them for bonds, notes, certificates of indebtedness, and Treasury Bills of the United States issued under authority of the act of September 24, 1917, as amended. In order to make payment by credit to a War Loan Deposit Account, the special depositary must, on or before the date when such payment is due, notify the Federal Reserve Bank of the district of such intention and issue a certificate of advice to such Federal Reserve Bank, stating that a sum specified has been deposited with such depositary for the account of such Federal Reserve Bank, as fiscal agent of the United States, in the War Loan Deposit Account. Such certificate of advice will be furnished in the form and manner prescribed by the Federal Reserve Bank. In accordance with the provisions of Part 212 of this chapter, a special depositary which is also qualified as a Depositary for Withheld Taxes under that part may, in lieu of making direct remittances to the Federal Reserve Bank from the special account "Withheld Taxes," elect to make such remittances by transfer to the "War Loan Deposit Account" with an appropriate notice to the Federal Reserve Bank of such transfer.

(40 Stat. 291, 504, 48 Stat. 343; 31 U. S. C. 771)

The foregoing amendments shall become effective March 22, 1948.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-2309; Filed, Mar. 16, 1948; 8:59 a. m.]

PART 212—PAYMENT THROUGH DEPOSITARY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

ACCOUNTS, FORMS, AND PROCEDURES OF DEPOSITARIES FOR WITHHELD TAXES

MARCH 11, 1948.

The second paragraph of § 212.6 (appearing also as the second paragraph of section 7 of Treasury Department Circular No. 714, as amended) is hereby amended to read as follows:

§ 212.6 *Accounts, forms, and procedures of depositaries for withheld taxes.* * * *

Deposits in the special account "withheld taxes" will be permitted to accumulate until a balance of $5,000 is reached, at which time the depositary must remit not later than the following business day the entire balance to the Federal Reserve Bank for credit to the account of the Treasurer of the United States. However, any bank qualified as a depositary for withheld taxes under this part which is also qualified as a Special Depositary under Part 203 of this chapter may, in lieu of making remittances directly to the Federal Reserve Bank from the special account entitled "Withheld Taxes" elect to make such remittances by transfer to the "War Loan Deposit Account" on its books, with an appropriate notice to the Federal Reserve Bank of such transfer. Remittances or transfers are not required to be made more frequently than once each day. The entire balance in the "Withheld Tax Account" on the last business day in each month, regardless of the size of the balance, must be remitted directly to the Federal Reserve Bank or transferred to the "War Loan Deposit Account" not later than the following business day. Each remittance or notice of transfer forwarded to the Federal Reserve Bank must be accompanied by the first carbon copies of the depositary receipts for withheld taxes, issued by the depositary as hereinafter provided, with regard to the funds constituting the remittance or transfer. It is essential that the accompanying depositary receipts be in the exact aggregate amount of such remittance or transfer and that they relate exclusively to the withheld taxes thus remitted or transferred. All direct remittances to a Federal Reserve Bank must be made in funds immediately available at the Federal Reserve Bank point.

This amendment shall become effective March 22, 1948.

(56 Stat. 356, 57 Stat. 126; 12 U. S. C., Sup., 265, 26 U. S. C., Sup., 1631)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-2310; Filed, Mar. 16, 1948; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 7]

TRANSFER OF CERTAIN INSPECTION FUNCTIONS FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Cong.) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. So much of the functions, powers and duties of the Secretary of the Army and officers of the Inspector General's Department of the Army prescribed in

section 1 of the act of April 20, 1874 (18 Stat. 33; 10 U. S. C. 174) as relate to disbursing officers of the United States Air Force, or disbursing officers of the United States Army attached to or assigned to full time duty with the United States Air Force or the Department of the Air Force, are hereby transferred to and vested in the Secretary of the Air Force and the Depatment of the Air Force.

2. So much of the functions, powers and duties of the Secretary of the Army and officers of the Inspector General's Department of the Army prescribed in section 93 of the act of June 3, 1916 (39 Stat. 206; 32 U. S. C. 15), as relate to inspection of air units of the National Guard and personnel, property and records thereof are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force.

3. So much of the functions, powers and duties of the Secretary of the Army and officers of the Inspector General's Department of the Army prescribed in section 67 of the act of June 3, 1916 (39 Stat. 200; 32 U. S. C. 49) as pertain to inspection of accounts and records relating to air units of the National Guard are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force.

4. For such period as the Secretary of the Army continues to be responsible in whole or in part for the exercise of any functions for or in behalf of the Department of the Air Force and concerning which inspection authority is transferred by the terms of this order, the Secretary of the Army and Chief of Staff, United States Army will continue to have authority to make or cause to be made such special inquiries, studies, inspections, and investigations as are appropriate to the responsibilities of the Department of the Army.

5. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, and records as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

6. It is expressly determined that the transfers herein specified are necessary and desirable for the operation of the Department of the Air Force and the United States Air Force.

7. Nothing contained in this order shall operate as a transfer of funds.

8. This order shall be effective as of 12:00 noon on March 5, 1948.

JAMES FORRESTAL,
Secretary of Defense.

MARCH 5, 1948.

[F. R. Doc. 48-2283; Filed, Mar. 16, 1948; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 962]

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 99 (hereinafter referred to as the "marketing agreement") and Order No. 62 (7 CFR, Cum. Supp., Part 962) (hereinafter referred to as the "order"), regulating the handling of fresh peaches grown in the State of Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the 15th day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposed amendments received from the Industry Committee, established pursuant to the marketing agreement and order, as the agency to administer the terms and provisions thereof.

In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held at Macon, Georgia, on January 30, 1948, to consider the proposed amendments, was published in the FEDERAL REGISTER (13 F. R. 329, 369)

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to provide:

(1) For the establishment of minimum standards of quality and maturity to be effective during specified periods even though the seasonal average price of Georgia peaches exceeds the parity level set forth in section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended.

(2) Authorization for the Industry Committee to investigate and assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities as may be approved by the Secretary; and for the financing of such activities;

(3) For the payment of compensation to, and reimbursement of reasonable expenses necessarily incurred by, alternate members of the Industry Committee when designated by the committee to attend meetings of the committee, while attending to such business as may be authorized by the committee, and for attending specified conferences and consultations;

(4) For the payment of compensation to and reimbursement of reasonable expenses necessarily incurred by members and alternate members of the Distributors' Advisory Committee in attendance at meetings, conferences, and consultations when authorized in advance by the Industry Committee to attend, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee;

(5) For the exemption of peaches shipped by express or parcel post, or of peaches shipped to any person during any day by a handler if such latter shipments, in the aggregate, do not exceed the equivalent of five bushels;

(6) For the elimination of the requirement for the holding of biennial referenda to ascertain whether the growers favor termination of the marketing agreement and order program;

(7) For the extension of the application of the exemption of common carriers from the provisions of the marketing agreement and order to contract carriers as well;

(8) For placing on a permissive basis the requirement that the Secretary prescribe adequate safeguards to prevent peaches exempted from the regulatory provisions from entering the commercial channels of trade for consumption in fresh form; and

(9) For the modification of the provisions relating to the duties of the Industry Committee in regard to conferences and consultations held with respect to the handling of peaches grown in the State of Georgia or any State outside thereof.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The marketing agreement and order should be amended to permit continued operation of the marketing agreement and order program under minimum standards of quality and maturity during seasons when the average price of Georgia peaches is above the parity level

set forth in section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended. During seasons when the average prices of Georgia peaches were not in excess of parity, maturity requirements and, at times, grade and size regulatory orders were placed in effect pursuant to the provisions of the marketing agreement and order. Considerable good will was gained, during such periods, among consumers by supplying them with mature and attractively graded peaches. At other times, when the seasonal average price of Georgia peaches was in excess of parity, however, the regularity provisions of the program were suspended as required by the Agricultural Marketing Agreement Act of 1937, as amended. The reversion by some members of the industry, because of the absence of maturity, grade, and size requirements, to less strict grading practices invariably destroyed much of the previously earned good will since, in many instances, consumers were offered fruit which was immature, decayed, or of low quality. The suspension of the marketing agreement and order provisions has also seriously interfered with the activities of the Industry Committee.

Public Law 305, 80th Cong., approved August 1, 1947, permits minimum standards of quality and maturity to be maintained in effect even though the seasonal average price of the regulated commodity is above parity, if such action will effectuate orderly marketing in the public interest. Through the use of minimum standards of quality and maturity during any season when the average price of Georgia peaches is above parity, the Industry Committee would be in position to recommend that the Secretary regulate, to the extent prescribed by such minimum standards, the quality and maturity of shipments of peaches at times when more stringent regulations may not be invoked.

The provision in the amendment, authorizing the Industry Committee to recommend, and the Secretary to establish, on the basis of such recommendation or other available information, minimum standards of quality and maturity, in lieu of the inclusion of the specifications of such standards in the amendment, affords the necessary maximum flexibility in the establishment, modification, suspension, or termination of such standards. It is impracticable to anticipate with precision the varying climatic and other conditions which may prevail during a particular production season and which may have a direct bearing on the specifications of the minimum standards of quality and maturity to be effective during such season. As experience in the operation of the provision demonstrates the exact needs, adjustments in the standards can be made readily. The desirability of prohibiting the shipment of immature decayed, or low-quality peaches was emphasized at the hearing because of the tendency on the part of some growers and shippers in the industry to ship extremely low-grade stock when prices are high. While there is a limited demand in times of scarcity for such peaches, no appreciable quantity can be expected to be marketed even at such times. The marketing of immature, decayed, or low-quality Georgia peaches is clearly not in the interest of consumers. The continued shipment of quantities of such low-grade peaches would, because of increasing consumer resistance thereto, result in direct financial loss to all elements of the industry. Such a development is not conducive to such orderly marketing of Georgia peaches as will be in the public interest when prices are above parity.

The minimum standard of maturity to be made operative during periods when the seasonal average price exceeds parity should be based on the definition of maturity which is contained in the existing United States Standards for Peaches (12 F. R. 3798) An appropriate tolerance with respect to the maximum number of immature peaches which may be shipped under such a regulation should also be specified in an amount not to exceed ten (10) percent, and should be applied in the manner set forth in the aforesaid United States Standards. The same minimum standard of maturity should be applicable to all varieties of peaches. The maturity standard may also be used in seasons when the average prices do not exceed parity if no grade regulatory order is in effect at the time. When a grade regulatory order is in effect, the requisite degree of maturity of peaches is prescribed in such regulatory order.

In the establishment of the minimum standards of quality there should be employed the two major factors of damage by worms and worm holes and decay. Under certain circumstances, however, size may also become a factor of quality. The United States Standards for Peaches list a number of defects affecting the various grades of peaches. Most of the defects merely detract from the appearance of the peach and do not penetrate the skin. The edibility of the fruit is not greatly affected. The basis for the establishment of minimum standards of quality, therefore, should be confined largely to consideration of the foregoing factors of damage by worms and worm holes, and decay. The maximum tolerance for damage by worms and worm holes should be fifteen (15) percent for the average of any lot. Under the provisions of the United States Standards for Peaches, dealing with the application of tolerances, this would permit a maximum tolerance of twenty-two (22) percent in an individual package. The maximum average tolerance for decay should be two (2) percent, which would permit a maximum tolerance of four (4) percent in an individual package. Under such tolerances, which are considered by the industry as very liberal and not inconsistent with its packing and shipping practices, consumers would be furnished with peaches of at least minimum edibility and value. The minimum standards of quality and maturity, if issued, would (a) permit the continued operation of the marketing agreement and order organization in periods when seasonal average prices of Georgia peaches are above parity, and (b) promote orderly marketing in the public interest.

(2) The marketing agreement and order should be amended to authorize the Industry Committee to investigate and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to the commodity being regulated under this program. This provision is intended to prescribe in the marketing agreement and order those duties of the committee which are necessarily implied and which have been carried out since the inception of the program. The committee is also to be permitted to engage in research and service activities, in connection with the handling of Georgia peaches, as may be approved from time to time by the Secretary. All such activities are now added expressly to the duties of the committee, and such activities are those that the Secretary may from time to time, approve as proper to enable the committee to discharge its functions under the statute. The precise activities in which the committee may engage are, of course, to be limited to those that are directly related to the handling of Georgia peaches. The committee is authorized to finance such activities from assessments collected under the amended marketing agreement and order program.

(3) The marketing agreement and order should be amended to provide that alternate members of the Industry Committee may, in the discretion of the committee, receive compensation and may be reimbursed for expenses. Under the present provisions of the marketing agreement and order alternate members of the committee may be paid compensation and may be reimbursed for expenses when acting for members. This amendatory action will permit the payment of compensation and reimbursement of reasonable expenses necessarily incurred to alternate members whenever they are designated by the Industry Committee to attend meetings of the committee, while attending to such business as may be authorized by the committee, and for attending conferences and consultations with any other committee established under any marketing agreement and order program, pursuant to the aforesaid Act, with respect to the handling of peaches grown in the State of Georgia or any other State. The Industry Committee has found it desirable on occasion to request alternate members to attend meetings of the committee so that the alternate members would have first-hand knowledge of the deliberations of the committee and the committee in turn could avail itself of the advice of the alternate members. The Industry Committee may also avail itself of the services of alternate members in attending conferences and consultations, as well as such other business as may be authorized by the Committee. Members may be paid compensation and may be reimbursed for expenses also while attending to such committee business as may be authorized by the Industry Committee. Compensation to be paid to members and alternate members is to remain at the modest rate of $5.00 per day, and reimbursement is limited to reasonable expenses necessarily incurred.

(4) The marketing agreement and order should be amended so that members and alternate members of the Distributors' Advisory Committee may be paid compensation and may be reim-

bursed for expenses for attendance at meetings, conferences, and consultations when authorized in advance by the Industry Committee to attend, or for attending to such committee business as may be approved by the Industry Committee. Under the existing marketing agreement and order, the members of the Distributors' Advisory Committee and alternate members, when acting for members, may be reimbursed only for expenses incurred in attendance at meetings of such committee. The amendatory action permits the Industry Committee to utilize the services of members and alternate members of the Distributors' Advisory Committee at meetings at which recommendations in regard to maturity, grade, and size regulations are to be discussed, in conferences and consultations, and on other occasions when the advice and counsel of members and alternate members of the Distributors' Advisory Committee would prove of value because of their knowledge of marketing and marketing conditions. The compensation and reimbursement for reasonable expenses necessarily incurred by members and alternate members of the Distributors' Advisory Committee shall be at the same rates as those applicable to members and alternate members of the Industry Committee. The payment of compensation and reimbursement of expenses, as aforesaid, to members and alternate members of the Distributors' Advisory Committee, is contingent upon the prior authorization of the Industry Committee.

(5) The marketing agreement and order should be amended to provide for the exemption from the regulatory provisions of the marketing agreement and order of (a) shipments of peaches by express or parcel post; and (b) peaches shipped during any day by a handler, if such shipments in the aggregate do not exceed the equivalent of five bushels. The exemption of the aforesaid lots will tend to facilitate operations under the regulatory orders. Shipments by express and parcel post are usually in small lots, and are sold at specified prices. Such shipments are usually made very early in the season, or are gift packages sent to friends. The exemption of shipments of peaches in lots not in excess of five bushels facilitates sales direct to consumers who visit the orchards for the purpose of purchasing peaches for home use. The exemption of the foregoing classes of shipments will tend to facilitate operations under the marketing agreement and order program by removing the requirements of inspection of such lots and the enforcement of the provisions of the program with regard thereto. In addition, the exempted shipments would, in the main, deal with sales of peaches having an inconsequential effect on the market price, and would not operate to defeat the purpose of the marketing agreement and order program. Such exempted shipments would be free from assessment and from inspection requirements.

(6) The marketing agreement and order should be amended to provide for the deletion of the requirement to hold biennial referenda. The present agreement and order provide that the Secretary shall hold a referendum within the period beginning on September 1, 1944, and ending April 1, 1945, and also each succeeding two years, within the same seven months' period, to determine whether the termination of the marketing agreement and order program is favored by growers. Each grower referendum since the inception of the marketing agreement and order program has shown an overwhelming majority of the growers, voting in such referendum, opposed to the termination of the program. As the marketing agreement and order provide other means whereby growers may take steps to terminate the program, the continuation in effect of the provision for holding biennial referenda is not necessary. The evidence indicates that ample means are provided in the program, other than through the biennial referendum, to bring to the attention of the Secretary the desire of the growers to terminate the program, should such a condition arise. The proof indicates no need for a biennial referendum, and the compulsory holding of such referenda is an unnecessary expense and burden to the industry.

(7) The marketing agreement and order should be amended to extend to contract carriers the application of the exemption of common carriers from the provisions of the marketing agreement and order. Under the provisions of the marketing agreement and order, the status of a contract carrier should be no different from that of a common carrier with respect to whether such carrier is a handler.

(8) The marketing agreement and order should be amended to place on a permissive rather than on a mandatory basis the requirement that the Secretary prescribe adequate safeguards to prevent peaches exempted from the regulatory provisions of the marketing agreement and order from entering the commercial channels of trade for consumption in fresh form. In some instances when purchases are made for school lunch and other welfare purposes safeguards are not needed. Furthermore, marketing conditions may be such that the prompt inauguration of a program for the purchase of peaches for consumption by charitable institutions or for distribution for relief purposes is found highly desirable and necessary. However, such safeguards as are established by the Secretary may be on the basis of the recommendation of the Industry Committee or other available information.

(9) The marketing agreement and order should be amended to set forth expressly one of the duties of the Industry Committee, namely, to consult with any other committee established under any marketing agreement and order program with respect to the handling of peaches grown in the State of Georgia or in any other State. The amended wording specifically states that such peaches may be grown in the area included in the marketing agreement and order or in any State outside thereof.

(10) The marketing agreement and order should be amended to authorize members and alternate members of the Distributors' Advisory Committee to attend conferences and consultations which may be held with any other committee established under any marketing agreement and order program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, with respect to the handling of peaches grown in the area or in any State outside of the area. This amendatory action will permit the Industry Committee to avail itself of the advice of members or alternate members of the Distributors' Advisory Committee at such conferences or consultations in carrying out its duties under the program.

(11) In accordance with the evidence adduced at the hearing, it is not necessary to include the proposed definitions of "grade," "size," and "mature peaches." Minimum standards of quality authorized pursuant to the recommended amended marketing agreement and order are not to be established necessarily on the basis of "grades" and "sizes," as such terms are defined in the aforesaid United States Standards for Peaches, but rather, in terms of the criterional factors of worms, wormholes, and decay. The definition of the term "mature peaches" is displaced by reference to the "maturity" of peaches; and the record shows that the term "maturity" is well understood.

Rulings on proposed findings and conclusions. No brief or proposed finding or conclusion was submitted within the prescribed time.

General findings. (1) The marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended regulate the handling of peaches grown in the State of Georgia in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which hearings have been held; and

(3) There are no differences in the production and marketing of peaches grown in the production area covered by said marketing agreement as hereby proposed to be amended and the order as hereby to be amended that make necessary different terms and provisions applicable to different parts of such area.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

(1) Add the following to section 1 (b) of the marketing agreement and § 962.3 (b) of the order: "and further amended by Public Law 305, 80th Cong., approved August 1, 1947."

(2) In the parenthetical phrases in section 1 (f) of the marketing agreement and § 962.3 (f) of the order, insert, after "common," the words "or contract."

(3) Delete section 2 (k) of the marketing agreement and § 962.4 (k) of the

order and insert, in lieu thereof, the following:

(k) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per day (1) for attending each meeting of the committee; (2) while attending to such committee business as may be authorized by the committee; and (3) for attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, conference, or consultation, or while attending to such committee business.

(4) Delete from section 2 (m) (8) of the marketing agreement and § 962.4 (m) (8) of the order the words after "grown," and insert, in lieu thereof, the following: "in the area or in any State outside of the area; and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;"

(5) Delete the provisions in section 2 (m) (14) of the marketing agreement and § 962.4 (m) (14) of the order and insert, in lieu thereof, the following: "To supervise the regulation of shipments of peaches pursuant hereto;"

(6) After (i) deleting the word "and" which follows the semicolon in section 2 (m) (16) of the marketing agreement and § 962.4 (m) (16) of the order, and (ii) deleting the period at the end of section 2 (m) (17) of the marketing agreement and § 962.4 (m) (17) of the order and inserting "; and" in lieu of such period, add, at the end of section 2 (m) of the the marketing agreement and § 962.4 (m) of the order, the following new provision:

(18) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities in connection with the handling of peaches as may be approved, from time to time, by the Secretary.

(7) Delete section 2 (p) (5) of the marketing agreement and § 962.4 (p) (5) of the order and insert, in lieu thereof, the following:

(5) The Distributors' Advisory Committee may submit its recommendations to each meeting of the Industry Committee relative to recommendations with respect to the regulation of shipments pursuant hereto. When authorized in advance by the Industry Committee, members and alternate members of the Distributors' Advisory Committee may attend and participate in conferences and consultations with any other committee, or representative thereof, established under any marketing agreements and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area.

(8) Delete section 2 (p) (6) of the marketing agreement and § 962.4 (p) (6) of the order, and insert, in lieu thereof, the following:

(6) Each member of the Distributors' Advisory Committee, and each alternate member when acting for a member, may receive from the Industry Committee compensation and reimbursement for all reasonable expenses necessarily incurred for attendance, when authorized in advance by the Industry Committee, at each meeting of the Distributors' Advisory Committee and at each conference or consultation, as aforesaid, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee.

(7) The rates of compensation and reimbursement for reasonable expenses incurred, as aforesaid, shall be the same as those applicable to members and alternate members of the Industry Committee.

(9) Delete the first sentence in section 3 (a) of the marketing agreement and § 962.5 (a) of the order, and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the committee during the then current fiscal period (1) for the maintenance and functioning of such committee and the Distributors' Advisory Committee, and (2) for such research and service activities relative to the handling of peaches as the Secretary may determine to be appropriate."

(10) Delete that portion of the first sentence in section 3 (b) (1) of the marketing agreement and § 962.5 (b) (1) of the order which precedes the word *"Provided"* and insert, in lieu thereof, the following: "Each handler who first ships peaches shall, upon demand, pay to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal period;"

(11) Immediately preceding the period at the end of the first sentence in section 3 (b) (1) of the marketing agreement and § 962.5 (b) (1) of the order, insert the following: "or (iii) any shipment made by express or parcel post, or (iv) shipments of peaches to any person during any day by such handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels"

(12) Insert in section 3 (b) (2) of the marketing agreement and § 962.5 (b) (2) of the order the words "and activities" between the words "functions" and hereunder" appearing in the third sentence thereof.

(13) Delete the provisions in section 5 of the marketing agreement and § 962.7 of the order and insert, in lieu thereof, the following:

§ 962.7 *Minimum standards of quality and maturity*—(a) *Recommendations.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches pursuant to this section, it shall recommend to the Secretary the particular minimum standards which shipments of such peaches must meet. Each such recommendation of the committee shall be in terms of maturity requirements, freedom from damage by worms and worm holes, and freedom from decay, together with the applicable tolerances. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of such peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of such peaches. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

(c) *Modification, suspension, or termination of minimum standards.* The Industry Committee may recommend to the Secretary the modification, suspension, or termination of any or all of the minimum standards established pursuant hereto. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such minimum standards will tend to effectuate the declared policy of the act, he shall so modify such standards. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such standards obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such standards. The Secretary shall immediately notify the Industry Committee of each order modifying, suspending, or terminating any such minimum standards. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension.

(14) After deleting the word "or" which precedes "(c)" in the proviso in the first sentence of section 7 of the marketing agreement and § 962.9 of the order, insert the following immediately preceding the period at the end of such sentence: "; or (d) peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by such handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels."

(15) Insert the following provisions immediately preceding the words "shall be exempt" appearing in the first sen-

tence of section 9 of the marketing agreement and § 962.11 of the order: "or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels."

(16) In the second sentence of section 9 of the marketing agreement and § 962.11 of the order, substitute the word "may" for "shall" wherever the latter appears therein.

(17) Delete the last sentence in section 12 (b) (3) of the marketing agreement and § 962.14 (b) (3) of the order.

Filed at Washington, D. C., this 12th day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-2298; Filed, Mar. 16, 1948; 8:54 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51857]

CHALK RIVER, ONTARIO, CANADA, AND THE ISLAND OF MALTA

ADDITIONS TO "NO CONSUL" LIST

MARCH 10, 1948.

In accordance with a recommendation from the Department of State, Chalk River, Ontario, Canada, and the Island of Malta are hereby added to the "No Consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from Chalk River, Ontario, Canada, and the Island of Malta will be accepted by collectors of customs if certified under the provisions of section 482 (f) Tariff Act of 1930.

[SEAL] W R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 48-2311; Filed, Mar. 16, 1948; 9:00 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 15, amended]

NEW YORK FOREIGN-TRADE ZONE OPERATORS, INC., ET AL.

APPROVAL OF CERTAIN OPERATIONS

In the matter of certain appeals taken by the New York Foreign Trade Zone Operators, Inc., et al. from rulings of the Commissioner of Customs with reference to operations permitted by section 3 of the Foreign-Trade Zones Act (Dockets Nos. 1 to 6, inclusive).

Pursuant to the authority contained in the act of June 18, 1934 (48 Stat. 998; 19 U. S. C. 81a–81u) the Foreign-Trade Zones Board has adopted the following amended order which is promulgated for the information and guidance of all concerned:

By the terms of Order No. 15, effective June 12, 1947 (12 F. R. 3982) the action of the Commissioner of Customs in denying applicants S. H. Pomerance & Co., Inc. and the New York Foreign Trade Zone Operators, Inc., on behalf of itself and certain zone users, under Dockets Nos. 1 through 5 for permission to conduct the operations set forth in such order, was overruled and the operations involved were thereby approved.

By the terms of the foregoing order, action by the Board was deferred pending receipt of more specific information as to the nature of operations involved in the following designated docket:

Docket No. 6. Dyeing textiles imported in the gray.

Accordingly, after full consideration of supplemental information supplied by the applicant, the action of the Commissioner of Customs in denying the application for permission to conduct in the New York Foreign-Trade Zone under section 3 of the above-cited act the operations involved in Docket No. 6, namely, dyeing textiles imported in the gray, is overruled and such operations are hereby ordered approved.

The Executive Secretary is directed to notify the appellant, the Commissioner of Customs and other interested parties of the action above taken.

This order is effective March 8, 1948.

[SEAL] W. A. HARRIMAN,
Secretary of Commerce, Chairman, Foreign-Trade Zones Board.

[F. R. Doc. 48-2287; Filed, Mar. 16, 1948; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2931]

TRANS-TEXAS AIRWAYS

NOTICE OF HEARING

In the matter of the petition of Trans-Texas Airways for the determination and fixing pursuant to section 406 of the Civil Aeronautics Act of 1938, as amended, of an increased temporary rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire system of air routes; and the order to show cause therein published by the Board, March 5, 1948 (Serial No. E–1270)

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on March 18, 1948, at 10:00 o'clock a. m. (eastern standard time) in Room E–131, Wing C, Temporary 5 Building, below Constitution Avenue, between 15th and 17th Streets NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated at Washington, D. C., March 12, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-2312; Filed, Mar. 16, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8278]

WESTERN UNION TELEGRAPH CO.

NOTICE OF ORAL ARGUMENT

In the matter of the application of the Western Union Telegraph Company, Docket No. 8278, File No. T-D–770, for an authorization under section 214 of the Communications Act of 1934, as amended. (Bellefontaine, Delphos, Lebanon, Marysville, Mount Gilead and Ottawa, Ohio)

The Commercial Telegraphers' Union having filed exceptions and request for oral argument in the above-entitled proceeding; the Commission will hear said oral argument on Monday, March 22, 1948 at 11:00 o'clock a. m., in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

Dated: March 8, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2304; Filed, Mar. 16, 1948; 8:59 a. m.]

STUDY GUIDE FOR COMMERCIAL RADIO OPERATORS

AVAILABILITY OF FIRST SUPPLEMENT

MARCH 11, 1948.

The Federal Communications Commission is revising its commercial radio operator examinations to bring them into step with developments in radio theory and practices. During this process, supplements to its "Study Guide and Reference Material for Commercial Radio Operator Examinations" will be issued as changes or additions are made to the material used in these examinations.

Supplement No. 1 to the Study Guide is now available at the Commission's field examination offices and at its Washington offices. This initial supplement contains additional questions representative of new material to be included in Element 4 (advanced radiotelephone theory and practice) of the radiotelephone first class operator examinations as of July 1, 1948.

Supplements covering other examination elements will be issued from time to time. During the period of revision, persons preparing for operator examinations should study both the Study Guide and the various supplements as they are

released. When the over-all revision is completed, the supplemental material will be included in a revised Study Guide with obsolete matter deleted, to be sold by the Government Printing Office.

Supplement No. 1 will be furnished without cost, by the Commission, as will further supplements as they are prepared. Persons requesting supplements should indicate the examination elements they wish to study. Mail requests for supplements should be addressed to the "Secretary, Federal Communications Commission, Washington 25, D. C." Meanwhile, copies of the present Study Guide may be purchased from the "Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.," for twenty-five cents each.

Approved: March 10, 1948.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2343; Filed, Mar. 16, 1948; 9:27 a. m.]

RULES GOVERNING MISCELLANEOUS EQUIPMENT

NOTICE REGARDING ADOPTION AS FINAL

MARCH 11, 1948.

Effective April 30, 1948 miscellaneous equipment to be governed by Part 18 of the Commission's rules.

On May 8, 1947, Part 18 of the rules and regulations governing the operation of medical diathermy and industrial heating equipment was adopted by the Federal Communications Commission. At the same time, the Commission issued a Notice of Proposed Rule Making whereby the portion of Part 18 concerning medical diathermy equipment would also be made applicable to the operation of miscellaneous radio frequency devices which use radio frequency energy for heating, ionization of gases, or other purposes in which energy is emitted directly upon the workload and does not involve the use of associated radio receiving equipment. These proposed rules were adopted as final by the Commission (13 F R. 1364) and are to be effective April 30, 1948.

Adoption of these rules has the effect of allocating specific frequency bands for the operation of such miscellaneous devices, providing for procedure whereby type approval for such devices may be obtained and requiring the elimination of interference created by the operation of such devices.

The spurious and harmonic radiation which will be permitted such equipment is generally the same as that allowed diathermy equipment. Operation within the limits set forth will, in many cases, provide sufficient protection so that interference will not be caused to authorized radio services. However, operation within the allowable limits does not constitute a guarantee that interference will not be caused and accordingly, great care should be exercised by manufacturers and designers to assure operation of these devices with a minimum amount of spurious and harmonic radiation consistent with the satisfactory operation of the device. In those cases where interference is caused to authorized radio services due to the operation of such equipment, the regulations require the user to immediately take suitable steps to eliminate the interference. Such steps may include the installation of power line filters or shielding of the device.

Interference caused by the operation of such devices falls into two general categories: first, that which is caused in the general vicinity of the device, and second, that which is caused at great distances due to the excellent propagation characteristics of the frequencies on which such devices are operated. The radio services subject to interference include AM, FM, and television broadcast as well as the safety services involving life and property.

Manufacturers proposing to produce equipment in volume may submit their equipment to the Commission's Laboratory at Laurel, Maryland, upon approval of a request addressed to the Secretary of the Federal Communications Commission, Washington 25, D. C. As the Laboratory has limited personnel and facilities to conduct such tests, it is suggested that in order to insure expeditious processing of equipment submitted, manufacturers have their own engineering staffs make preliminary frequency tests prior to submitting apparatus to the Laboratory so as to determine whether such apparatus will probably operate within the requirements of the rule.

Equipment which does not meet these requirements will be returned to manufacturers with the understanding that it may be resubmitted after necessary corrective action has been taken. As fairness requires that equipment be tested in the order in which received, a resubmitted device will necessarily have to take its place at the end of the testing line.

To prevent undue hardship to manufacturers and users, Part 18 of the rules now in effect provides that diathermy and industrial heating equipment constructed prior to July 1, 1947, is exempt from the provisions of such Part 18 for a period of five years from that date, provided prompt steps are taken to eliminate interference to authorized radio services resulting from the operation of such equipment. In order to clarify the applicability of such section with respect to miscellaneous equipment, an amendment has been adopted extending a like exemption to miscellaneous equipment constructed prior to April 30, 1948.

Likewise, in order to clarify those portions of the rules requiring the elimination of interference resulting from the operation of equipment not exempted from the provisions of Part 18, the Commission has adopted § 18.32 which is a restatement of the existing § 18.17 and which requires the elimination of interference caused by miscellaneous equipment operated in accordance with Part 18.

Approved: March 10, 1948.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2344; Filed, Mar. 16, 1948; 9:27 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER PROVIDING FOR EMERGENCY ALLOCATION AND DELIVERY OF NATURAL GAS

MARCH 12, 1948.

Notice is hereby given that, on March 11, 1948, the Federal Power Commission issued its order entered March 10, 1948, in the above-designated matter, providing for emergency allocation and delivery of natural gas under paragraph (K) of the Commission's order of October 10, 1947.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-2289; Filed, Mar. 16, 1948; 8:46 a. m.]

[Docket No. G-978]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 12, 1948.

Notice is hereby given that, on March 10, 1948, the Federal Power Commission issued its findings and order entered March 9, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-2290; Filed, Mar. 16, 1948; 8:46 a. m.]

[Docket Nos. E-6116, E-6110]

KANSAS POWER AND LIGHT AND KANSAS GAS AND ELECTRIC CO.

NOTICE OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTION FOR USE OF INTERCONNECTION AND DISMISSNG IMPROPER APPLICATION

MARCH 12, 1948.

Notice is hereby given that, on March 10, 1948, the Federal Power Commission issued its order entered March 9, 1948, determining emergency and granting exemption for use of interconnection and dismissing improper application in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-2291; Filed, Mar. 16, 1948; 8:50 a. m.]

[Docket G-1005]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

MARCH 11, 1948.

Notice is hereby given that on February 25, 1948, West Texas Gas Company (Applicant) a Delaware corporation with its principal place of business at Lubbock, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the

Natural Gas Act, as amended, authorizing the removal of, and the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission described as follows:

(1) Install two 400 BHP gas-engine driven compressor units at Applicant's McSpadden Compressor Station; together with additions to the jacket water cooling facilities.

(2) Removal of one 80 BHP unit from Applicant's McSpadden Compressor Station.

(3) Install additional oil pumps, a low pressure reabsorber and an absorption oil purifying unit; and make changes to the process piping at Applicant's Turkey Creek gasoline plant.

Applicant states its McSpadden Compressor Station has been a bad bottleneck on its pipeline system during the present winter season on peak days; that 5,092 new consumers were connected during 1947, and it is estimated an additional 4,500 consumers will be connected in 1948. It is also estimated the required McSpadden Compressor Station throughout will slightly increase and make necessary a daily compression at this Station of 52,000 Mcf from a suction pressure of 220 pounds to a discharge pressure of 400 pounds, all requiring a total of 2,360 sea-level brake horsepower. The 80 BHP unit to be removed is stated to have been purchased second-hand during the war and is subject to considerable maintenance.

Applicant further states with reference to the construction and installation of facilities described in paragraph (3) above that the proposed facilities and changes will greatly improve the efficiency of the plant.

Applicant further states that the estimated total over-all capital cost of the proposed facilities is $150,572, the financing of which will be made from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of West Texas Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947 (18 CFR 1.8 or 1.10))

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2292; Filed, Mar. 16, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 808-A]

UNLOADING OF LUMBER AT MINNEAPOLIS, MINN.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of March A. D. 1948.

Upon further consideration of Service Order No. 808 (13 F. R. 1310) and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 808, Lumber at Minneapolis, Minnesota, on Minneapolis, St. Paul, & Sault Ste. Marie Railroad, be unloaded, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 11.59 p. m., March 12, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-2300; Filed, Mar. 16, 1948; 8:46 a. m.]

[S. O. 810]

UNLOADING OF COAL AT PHILADELPHIA, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of March A. D. 1948.

It appearing, that PRR 147801, 190704, 727305 and 20 other cars coal at Greenwich Coal Piers, Philadelphia, Pennsylvania, on the Pennsylvania Railroad, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Coal at Philadelphia, Pennsylvania, be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately PRR 147801, 190704, 727305 and 20 other cars, containing coal, now on hand at Greenwich Coal Piers, Philadelphia, Pennsylvania, consigned Great Northern Trading Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., March 13, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-2391; Filed, Mar. 16, 1948; 8:46 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 33]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 38 (13 F. R. 407) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 38, be, and it is hereby amended as follows:

Mine	*Cars per day*
Eliminate: Glen Cambria	25

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2392; Filed, Mar. 16, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 39]

MONONGAHELA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 39 (13

F R. 408) under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 39, be, and it is hereby amended as follows:

Mine	Cars per week
Increase: Cristopher #3	38

A copy of this amendment shall be served upon The Monongahela Railway Company and notice of this amendment shall be given the public by deposting a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2303; Filed, Mar. 16, 1948; 8:47 a. m.]

[Ex Parte No. 73]

REGULATIONS FOR PAYMENT OF RATES AND CHARGES

MARCH 11, 1948.

Regulations for payment of rates and charges (57 I. C. C. 591, 59 I. C. C. 456, 63 I. C. C. 375, 69 I. C. C. 351, 171 I. C. C. 268)

The Commission's order of February 2, 1948, reopened the above-entitled proceeding for further hearing with respect to less carload rail traffic generally throughout the United States. A copy of the order is transmitted herewith. As shown on its face the order was entered pursuant to a petition filed by the Missouri-Kansas-Texas Railroad Company and the Texas and Pacific Railway Company, and affiliated railroads. The petition was concurred in by reply of the St. Louis-San Francisco Railway Company. The petitioners sought an enlargement to seven days of authorized time for payment of transportation charges on less carload traffic, on account of competition with motor carriers. The order reopening these proceedings, however, is broader in its terms than sought by these petitioners, in that the geographic scope of the reopening covers the continental United States.

As shown by the reports above cited the existing regulations were prescribed pursuant to section 3 (2) of the Interstate Commerce Act. Specifically, the petitioners sought modification of the order entered in this proceeding dated January 20, 1931. For convenience a copy of that order is transmitted herewith; also copies of order dated July 13, 1937, in Ex Parte No. MC-1, Payment of Rates and Charges of Motor Carriers, 2 M. C. C. 365, and order dated August 10, 1942, relating to regulations governing extension of credit by freight forwarders.

It should be noted that no change has been proposed in the regulations as applied to carload traffic and that the reopening is restricted to less carload traffic.

The following special procedure will govern the further hearing:

1. It will be conducted through the medium of written interrogatories, which the Commission will prepare and serve. (See sec. 4, Administrative Procedure Act, 60 Stat. 237, U. S. C. A., Title 5, sec. 1003.)

2. Individual participation is not precluded but group participation will greatly facilitate the handling of the proceeding and is desired. Responses may be made by groups through organizations such as the Association of American Railroads, Federation for Railway Progress, American Trucking Associations, Inc., The Freight Forwarders Institute, and National Industrial Traffic League; or by territorial groups, such as carriers, shippers, or carriers' or shippers' organizations in the Southwest, etc. Mere casual interest will not justify participation, and will make the preparation and service of verified statements and exhibits, hereinafter provided for, burdensome and impracticable. The Commission desires participation only by those who intend to take an active part in the proceeding. Otherwise, it reserves the right to restrict service of verified statements and exhibits upon groups or organizations fairly representative of all interests.

3. No formal petitions of intervention will be necessary.

4. All responses to the interrogatories and replies thereto must be in affidavit form, duly executed.

5. Within 15 days from date of service of this notice any person, company, organization, group or governmental agency desiring to participate in the further hearing must notify the Commission to that effect, giving name and address of counsel, practitioner, or company, organization, group or agency officer upon whom service of interrogatories and later documents is to be made. No additional parties will be allowed to participate except by special permission and for good cause.

6. As soon as practicable after expiration of time specified in paragraph 5 the Commission will make service of (a) a list of the names and addresses of the persons appearing in a representative capacity, as described in paragraph 5 and (b) the interrogatories mentioned in paragraph 1, which will be served only upon those persons.

7. Within 40 days from date of service specified in paragraph 6 responses to interrogatories may be made by or on behalf of any party, group, etc., that has signified a purpose to participate.

8. Within 20 days from expiration of period specified in paragraph 7 replies may be made to responses to interrogatories. Replies must be confined to rebuttal of the responses. No further replies will be permitted.

9. Exhibits should conform to requirements of the General Rules of Practice and should be attached to the responses and replies. Verified statements and exhibits should bear the docket number and name of affiant. Exhibits should be numbered serially.

10. The original and 1 copy of responses to interrogatories and replies thereto will be transmitted to the Commission. The original must be signed and duly attested, and must be accompanied by a certificate showing simultaneous service of copies upon the counsel, practitioners, etc., described in paragraph 5.

11. Within 30 days from expiration of period specified in paragraph 8 briefs may be filed by the parties. There will be no reply briefs.

12. As soon as practicable after expiration of the period specified in paragraph 11 a proposed report by an examiner will be served.

13. Except as otherwise especially provided in this notice the procedure will be that provided in the General Rules of Practice.

14. Strict conformity with the time schedules stated herein will be required. It is apparent that any attempt to change those schedules will seriously complicate the handling of the proceeding. Requests for extension of time will not be entertained except for unforeseen and extreme causes.

By the Commission.

[SEAL] W P BARTEL,
Secretary.

[Ex Parte No. 73]

REGULATIONS FOR PAYMENT OF RATES AND CHARGES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 2d day of February, A. D. 1948.

Upon further consideration of the record herein and of joint petition for further hearing filed by Missouri-Kansas-Texas Railroad Company and Texas and Pacific Railway Company and affiliated lines; and replies thereto.

It is ordered, That said petition be, and it is hereby, denied.

It is further ordered, That this proceeding be, and it is hereby, reopened for further hearing as to the credit regulations on rail less-than-carload traffic.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[Ex Parte No. 73]

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January A. D. 1931.

In re section 3 of the Interstate Commerce Act as amended by section 405 of the Transportation Act, 1920, and Act of March 4, 1927.

It appearing, that on November 1, 1928, upon further consideration of the record and petition of the National Industrial Traffic League, this proceeding was reopened for rehearing and reconsideration:

It further appearing, that said rehearing and full investigation of the matters and things involved have been had and that the Commission on the date hereof has made and filed a report on further hearing containing its findings of fact and conclusions thereon which said report is hereby referred to and made a part hereof:

It is ordered, That the rules and regulations prescribed in the order of June 4, 1920, in the above-entitled proceeding be, and they are hereby, modified and that the following rules and regulations be, and they are hereby, prescribed to become effective March 10, 1931, and to remain in force and effect until further order of the Commission.

The carrier, upon taking precautions deemed by it to be sufficient to assure payment of the tariff charges within the credit periods herein specified, may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay such charges, such persons herein being called shippers, for a period of 48 hours computed as hereinafter set forth.

Where retention or possession of freight by the carrier until the tariff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or station facilities, the carrier, upon taking precautions deemed by it to be sufficient to assure payment of the tariff charges within the credit period herein specified may relinquish possession of the freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to shippers for a period of 96 hours to be computed as hereinafter set forth.

Where a carrier has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 days from the date of the presentation of the subsequently presented freight bill.

Where icing charges are not published in the tariffs at fixed amounts determinable at the time the shipment moves from point of origin, and where freight charges are prepaid and icing charges are to be paid by the consignor, the carrier, upon taking precautions deemed by it to be sufficient to assure prompt payment of the tariff charges within the credit period herein specified, may relinquish possession of the freight in advance of the payment of the icing charges and may delay presentation of bills for such icing charges for a period not exceeding 15 days after the end of the calendar month during which the charges accrued and may extend credit in the amount of such charges for 15 days from the presentation of the bill for such charges.

Where the amount of demurrage charges is determinable under average agreements made in accordance with tariff provisions, the carrier, upon taking precautions deemed by it to be sufficient to assure prompt payment of the tariff charges within the credit period, may delay the presentation of bills for such demurrage charges for a period not to exceed 15 days from the expiration of the authorized demurrage period and may extend credit in the amount of the demurrage charges accruing during the demurrage period for 15 days from the presentation of the bill for such charges.

Where the freight bill is presented to the shipper prior to, or at the time of, delivery of the freight, the 48 and 96 hour periods of credit shall run from the first 12 o'clock midnight following the delivery of the freight.

Where the freight bill is presented to the shipper subsequent to the time the freight is delivered, the 48 and 96 hour periods of credit shall run from the first 12 o'clock midnight following the presentation of the freight bill.

Every carrier shall present freight bills for all transportation charges except those herein specifically excepted to shippers prior to the first 12 o'clock midnight following delivery of the freight, except that when information sufficient to enable the carrier to compute the tariff charges is not then available to the carrier at the delivery point, the freight bills shall be presented not later than the first 12 o'clock midnight following the day upon which sufficient information becomes available to the delivering agent of the carrier.

Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

Sundays and legal holidays, other than Saturday half-holidays, may be excluded from the computation of the periods of credit.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit periods allowed such shipper may be deemed to be the collection of the tariff charges within the credit period for the purposes of these rules. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

By the Commission, Division 3.

[SEAL] GEORGE B. McGINTY, *Secretary.*

[Ex Parte No. MC-1]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of July A. D. 1937.

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is made a part hereof:

It is ordered, That the following rules governing the settlement of tariff rates and charges of common carriers of property by motor vehicle be, and they are hereby, prescribed to become effective October 1, 1937:

1. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of seven days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

2. Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

3. Freight bills for all transportation charges shall be presented to the shippers within seven calendar days from the first 12 o'clock midnight following delivery of the freight.

4. Shippers may elect to have their freight bills presented by means of the United States mails and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

5. The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

It is further ordered, That this investigation as it relates to the practices of contract carriers of property by motor vehicle be, and it is hereby, discontinued.

It is further ordered, That, effective October 1, 1937, our orders entered March 17, 1936, and July 8, 1936, under the authority of Section 223 of the Motor Carrier Act, 1935, in the matter of collection of rates and charges at destination by common carriers by motor vehicle be, and they are hereby, vacated and set aside.

And it is further ordered, That this order shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

W. P. BARTEL, *Secretary.*

EXTENSION OF CREDIT FOR FREIGHT CHARGES ON FORWARDER FREIGHT BY FREIGHT FORWARDERS AND BY COMMON CARRIERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 10th day of August A. D. 1942.

It appearing, that section 414 of Part IV of the Interstate Commerce Act, which is to become effective August 14, 1942, provides in part as follows:

"In the case of service subject to this part, it shall be unlawful for a freight forwarder, or a common carrier by motor vehicle subject to Part II of this Act whose services are utilized by a freight forwarder, to deliver or relinquish possession of property to the consignee named in the bill of lading, shipping receipt, or freight bill of the freight forwarder until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges and to prevent unjust discrimination or undue preference or prejudice: * * *."

It further appearing, that a committee representing freight forwarders has requested that such forwarders be permitted to apply, on and after August 14, 1942, and pending such formal investigation of the matter as may be instituted by the Commission, the same rules and regulations as those prescribed and now applicable to common carriers by motor vehicle in connection with service subjet to Part II of said Act;

And if further appearing, that it is in the public interest that freight forwarders subject to Part IV of said Act and common carriers subject to Part II thereof, when their services are utilized by freight forwarders, should be permitted to extend credit in the settlement of freight charges for service subject to Part IV of said Act, and the Division so finding;

It is ordered, That the following rules and regulations shall take effect on August 14, 1942, and remain in force until further order of the Commission:

Title 49—Transportation and Railroads; Chapter I—Interstate Commerce Commission; Subchapter D—Forwarders; Authority: § 425.1 issued under Sec. 414, 56 Stat. 286; 49 U. S. C. 1014.

PART 425—SETTLEMENT OF FREIGHT CHARGES

§ 425.1 *Credit for freight charges on forwarder freight by freight forwarders subject to Part IV of the Interstate Commerce Act and by common carriers by motor vehicle subject to Part II of that Act collecting charges for such forwarders.* The rules and regula-

tions prescribed by order entered July 8, 1936, in Ex Parte MC 1, 2 MCC 365–378 (Part 188 of this chapter), governing the extension of credit for freight charges by common carriers by motor vehicle in case of service subject to Part II of the Interstate Commerce Act, shall apply on and after August 14, 1942, to freight forwarders subject to Part IV of the Interstate Commerce Act and to common carriers by motor vehicle subject to Part II of that act when collecting charges for such forwarders, in the case of service subject to Part IV of that act.

And it is further ordered, That notice of this order be given to all freight forwarders subject to Part IV and to all common carriers by motor vehicle subject to Part II, of the Interstate Commerce Act and to the public by depositing copies of the order in the office of the Secretary of the Commission, Washington, D. C., and by filing with the Division of the Federal Register of the National Archives.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48–2299; Filed, Mar. 16, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 55–93]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1948.

On February 16, 1948, we issued our Findings, Opinion and Order pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 promulgated thereunder, in which we fixed the maximum amounts for which various applicants might apply to the District Court of the United States for the District of Massachusetts for compensation and reimbursement of expenditures in connection with the prosecution of certain claims on behalf of International Hydro-Electric System, a registered holding company, against International Paper Company, and the settlement thereof.[1]

On March 3, 1948, Alexander Whiteside and Hugh F. O'Donnell, who had requested us to fix a maximum amount of compensation for which they might apply to the District Court at $125,000, and for whom we had fixed such maximum amount at $60,000, filed a petition for reconsideration of our Findings, Opinion and Order issued February 16, 1948.

The petition in question is to be construed as a petition for rehearing. As such, it was not filed within the five-day period after the issuance of our order prescribed by Rule XIX (d) of our rules of practice. Petitioners request that we waive the requirements of the rule, and in support of their request, urge that until March 1, 1948 they were unaware of such rule; that the five-day requirement is productive of undue hardship upon them; and that petitioners on February 20, 1948 had endeavored to consult with Washington counsel, who had been confined by illness until March 1, 1948. Without passing upon the adequacy of the reasons given for non-compliance with the rule, we have determined under all the circumstances to treat the petition as if filed within the time prescribed, and to dispose of the petition upon its merits.

It will be recalled from our previous opinion herein that Whiteside and O'Donnell had been associated with Howell Van Auken in the prosecution of certain shareholders' derivative actions on behalf of International Hydro-Electric System against International Paper Company. In our February 16, 1948 opinion we fixed the maximum amount for which Van Auken might apply to the District Court at $150,000. In their petition for rehearing petitioners do not contend that the maximum allowance of $150,000 granted to Van Auken is inappropriate, nor that we were in error in finding "that Van Auken is entitled to greater compensation" than petitioners. They urge, however, that in the light of the maximum amount fixed for Van Auken and of the maximum amounts fixed for others in our previous opinion, they are entitled to apply to the District Court for an amount greater than $60,000.

While conceding that time expended is not conclusive of respective contributions made in a case of this sort, they point out that the time expended by them, in the aggregate, but not individually, exceeded that expended by Van Auken. This contention appears to be answered in our previous opinion where we said "Whatever may be the significance of time expended in cases of other types, we do not consider it to be a dominant factor here."

Secondly, petitioners urge that at one time they and Van Auken had an agreement that any compensation received by the three counsel was to be divided between them on the basis of 55% to Van Auken and 45% to Whiteside and O'Donnell; that this agreement was voluntarily terminated when counsel were unable to agree upon the maximum amount to be applied for, Whiteside and O'Donnell believing that the three should apply for $175,000, and Van Auken taking the position that a greater maximum amount should be applied for; and that an injustice is being done to petitioners since, if the aggregate sum of $175,000 had been fixed for the three counsel, petitioners would have received as their 45% share under the division agreement, the sum of approximately $78,500. The fact of the division agreement and the reasons for its rescission were fully developed at the hearing and were discussed at some length in our previous opinion. Such an agreement, even had it not been abrogated, would not have been binding upon us nor do we consider it as having more than the slightest evidentiary value in appraising the respective contributions of Van Auken and of Whiteside and O'Donnell. In this case, as in all matters involving compensation, we endeavored to arrive at an independent appraisal, based upon the whole record, of the respective contributions of the various applicants.

We have reviewed and reconsidered our previous opinion, insofar as Whiteside and O'Donnell are concerned, and the evidence upon which it was based, together with the contentions set forth in the petition for rehearing, and adhere to our previous ruling. Accordingly, the petition is denied; and to that effect.

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–2294; Filed, Mar. 16, 1948; 8:51 a. m.]

[1] International Hydro-Electric System, — S. E. C. — (1948), Holding Company Act Release No. 7980.

[File No. 70–1735]

MINNESOTA POWER & LIGHT CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held in its office in the city of Washington, D. C., on the 10th day of March 1948.

In the matter of Minnesota Power & Light Company, Superior Water, Light and Power Company, American Power & Light Company; File No. 70–1735.

American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, Minnesota Power & Light Company ("Minnesota"), a holding company and utility subsidiary of American, and Superior Water, Light and Power Company ("Superior") a subsidiary of Minnesota, having filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 concerning, among other things, the issuance and sale of 100,000 shares of common stock by Minnesota, and the requested exemption from the competitive bidding requirements of Rule U-50 with respect to said issuance and sale of common stock; and

The Commission having by order dated March 5, 1948 granted the application and permitted the declaration, as amended, to become effective subject to the condition, among others, that the proposed issuance and sale of said common stock shall not be consummated until the results of negotiation shall have been made a matter of record in these proceedings and a further order entered by the Commission in the light of the record so completed, and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Minnesota having filed a further amendment herein setting forth that after discussions with three distinct underwriting groups, an agreement has been entered into between Minnesota and Kidder, Peabody & Co., as syndicate representatives, with respect to the sale of said 100,000 shares of common stock. The

agreement provides that the price to be paid to the company will be $25.60 per share, and that said stock will be reoffered for sale to the public at a price of $27.50 per share, resulting in an underwriter's spread of $1.90 per share; and

The record also having been completed with respect to the expenses incurred or to be incurred in connection with the proposed transactions in the amount of $70,000, including counsel fees as follows:

Gillette, Nye, Harries, Montague, Sullivan & Atmore (local counsel for Minnesota)	$10,000
Reid & Priest (New York counsel for Minnesota)	15,000
Crawford & Crawford (local counsel for Superior)	1,350
Beekman & Bogue (counsel for the purchasers—to be paid by the Underwriters)	5,000

and the record indicating that said counsel fees proposed to be paid by Minnesota include services performed in connection with certain previous proceedings before this Commission with respect to charter amendments designed to facilitate the sale of the common stock of Minnesota (File No. 70–1660) and it appearing to the Commission that such expenses, including legal fees, are not unreasonable; and

The Commission having examined said amendment and having considered the record as completed at the reconvened hearing and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of negotiation and the payment of fees and expenses incurred in connection with the proposed transactions be, and the same hereby is, released and that the application-declaration as further amended be, and the same hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–2296; Filed, Mar. 16, 1948; 8:51 a. m.]

[File Nos. 31–523, 31–524, 54–106, 54–107, 59–52]

BUFFALO, NIAGARA & EASTERN POWER CORP. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of March 1948.

In the matters of Buffalo, Niagara & Eastern Power Corporation, File Nos. 54–106; 31–524, Niagara Hudson Power Corporation, File Nos. 54–107· 31–523; Niagara Hudson Power Corporation and its subsidiary companies, Respondents, File No. 59–52.

Niagara Hudson Power Corporation ("Niagara Hudson") a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation ("BNE"), a subsidiary of Niagara Hudson, having each filed applications and declarations pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of plans designed to enable BNE to comply with the Commission's order of June 19, 1944, issued pursuant to section 11 (b) (2) of the act; and

The Commission having by order dated October 4, 1945 approved said plans, as amended, and having reserved in said order jurisdiction over the payment of all fees and expenses incurred in connection with said plans; and

The record having now been completed with respect to such fees and expenses incurred in connection with said plans, the amount of such fees and expenses being as follows:

	Fees	Expenses
To be paid by Niagara Hudson		
LeBoeuf & Lamb, counsel	$47,500.00	$7,450.83
Jackson & Moreland, engineers	47,757.17	12,950.11
Drexel & Co., financial advisor	50,000.00	
Cravath, Swaine & Moore, expert witness	2,500.00	23.01
To be paid by BNE		
LeBoeuf & Lamb, counsel	7,500.00	
Franchot, Runals, Cohen, Taylor & Rickert, counsel	23,000.00	1,247.92
Keneflck, Cooke, Mitchell, Bass & Letchworth, Counsel	18,000.00	1,500.77
Moot, Sprague, Marcy & Gulick, counsel for $1.60 pfd. stockholders' committee	140,000	6,093.22
Dr. John Bauer, expert witness for committee	5,000.00	150.00
Maxwell S. Wheeler, chairman of committee	500.00	
T. Alison Moore, treasurer of committee	500.00	
C. Brooke Hersey, secretary of committee	500.00	
Samuel E. Aronowitz, counsel for 1st pfd. stockholders of Niagara Hudson	2,500.00	342.50
Debevoise, Stevenson, Plimpton & Page, counsel for 1st pfd. stockholders of BNE	4,000.00	553.33

[1] Less $15,001.17 contributed by $1.60 preferred stockholders of BNE.

It appearing to the Commission that such fees and expenses are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved with respect to such fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–2295; Filed, Mar. 16, 1948; 8:51 a. m.]

[File No. 70–1744]

KANSAS GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1948.

Kansas Gas and Electric Company ("Kansas"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company having filed an application-declaration, and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the following proposed transactions:

Kansas proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds, ____% Series due 1978 ("Bonds") The Bonds will be issued under the company's existing Mortgage and Deed of Trust, dated as of April 1, 1940, in favor of Guaranty Trust Company of New York and Henry A. Thies, as trustees, as supplemented by a First Supplemental Indenture, dated as of June 1, 1942, and as further supplemented by a second supplemental indenture to be dated as of March 1, 1948. Kansas proposes to use the proceeds from the sale of said Bonds: (a) To carry forward its program for expansion and construction of generating plants, transmission lines and distribution facilities; (b) to repay American for short-term advances that have heretofore been obtained, and may hereafter be necessary to obtain, to finance, in part, its construction program prior to the sale of the Bonds; and (c) to reimburse its treasury for funds already used in the expansion and construction of facilities.

Kansas also proposes to amend in certain respects its existing Mortgage and Deed of Trust dated as of April 1, 1940, above mentioned, with the consent of the holders of all outstanding bonds of the 3¾% Series due 1970.

Said application-declaration having been filed on February 11, 1948, and the last amendment thereto having been filed on March 1, 1948, and notice thereof having been given in the manner and form prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered hearing with respect to said application-declaration, as amended; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, forthwith, subject to certain reservations of jurisdiction; and

Kansas having requested that the Commission's order with respect to the said application-declaration, as amended, issue at the earliest date possible and become effective upon issuance;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of Public Utility Holding Company Act of 1935 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, to which the applicant-declarant has expressly assented, that the proposed sale of bonds by Kansas shall not be consummated until the results

of competitive biddings have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof:

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2297; Filed, Mar. 16, 1948; 8:54 a. m.]

[File No. 70-1761]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of March A. D. 1948.

Public Service Company of New Hampshire ("New Hampshire") a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

New Hampshire proposes to borrow from one or more banks, from time to time prior to April 1, 1946, an amount not in excess of $3,200,000 (including $2,020,000 presently outstanding short-term obligations) and to issue, from time to time, in evidence thereof its promissory notes with the maturity of not more than nine months from the issue thereof and with an interest rate not in excess of 2% per annum. It is stated that the company must borrow an additional amount of $700,000 on or before March 11, 1948, and a further sum, which will not exceed $480,000 before March 31, 1948 in order to meet its financial requirements prior to the proposed sale of additional shares of common stock, the proceeds from which will be used to repay such notes.

It is represented by applicant that the proposed transactions are not subject to the jurisdiction of the New Hampshire Public Service Commission, the State Commission of the State in which applicant is organized and doing business.

Such application having been duly filed on March 3, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested acceleration of the Commission's action on this application and having requested that the Commission's order be issued on or before March 11, 1948, and that such order become effective forthwith; and the Commission deeming it appropriate to grant such requests; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2293; Filed, Mar. 16, 1948; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10731]

WILLIAM DAMMEYER

In re: Trust under Will of William Dammeyer, deceased. File No. D-28-2108; E. T. sec. 2653.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Dammeyer, Heinrich Dammeyer, Lina Dammeyer Meyer, Elsie Dammeyer, Werner Dammeyer, Peter Dammeyer, and Ann Klostermann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of August Dammeyer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust under the Will of William Dammeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Henry E. Ley, as trustee, acting under the judicial supervision of the County Court of Wayne County, Nebraska;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of August Dammeyer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-2314; Filed, Mar. 16, 1948; 8:51 a. m.]

[Vesting Order 10755]

JOHN JACOB GAMERTSFELDER

In re: Estate of John Jacob Gamertsfelder, deceased. File No. D-39-19140. E. T. sec. 16414.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ina May Kumagai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of John Jacob Gamertsfelder, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan),

3. That such property is in the process of administration by W. S. Gamertsfelder, C. H. Gamertsfelder, and E. N. Gamertsfelder, as Executors, acting under the judicial supervision of the Probate Court of Coshocton County, Ohio, Coshocton, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-2315; Filed, Mar. 16, 1948; 8:51 a. m.]

[Vesting Order 10760]

PAULINE SCHWEITZER ET AL.

In re: Pauline Schweitzer and David Gmahle vs. Magdalene Angenstenberger et al.—Equity No. 46-383.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Bauer, Otto Zendell, Karl Zendell, Heide Zendell, Karl Stoekle, Sr., Karl Stoekle, Jr., Hermann Stoekle, Emilie Stoekle Ulmer, Bertha Stoekle Steiner, Charlotte Stoekle Zengerle and Albert Stoekle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $258.05 was paid to the Attorney General of the United States by Raymond H. Img, Special Master in Chancery, in the action entitled "Pauline Schweitzer and David Gmahle, vs. Magdalene Angenstenberger, et al.";

3. That the sum of $258.05 was accepted by the Attorney General of the United States on November 13, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $258.05 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2316; Filed, Mar. 16, 1948; 8:51 a. m.]

[Vesting Order 10770]

BETTY BODENHEIMER

In re: Estate of Betty Bodenheimer, deceased. File No. D-28-12184; E. T. sec. 16391.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Strauss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in, to and against the estate of Betty Bodenheimer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Hermine Weil, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2317; Filed, Mar. 16, 1948; 8:51 a. m.]

[Vesting Order 10785]

KEKICHI OSHIO

In re: Estate of Kekichi Oshio, deceased. D-39-18384; E. T. sec. 14013.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Madam Oshio, whose last known address is Japan, is a resident of Japan and national of a designated enemy country (Japan),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Kekichi Oshio, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan)

3. That such property is in the process of administration by Harold P. Caldwell, as Administrator, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2318; Filed, Mar. 16, 1948; 8:52 a. m.]

[Vesting Order 10787]

OTTO RITTER

In re: Estate of Otto Ritter, deceased. File No. D-28-11553; E. T. sec. 15781.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Ritter, Helmuth Ritter, Herman Ritter, Emma Marohn, Mathilda Beiersdorf, Gunter Ritter, and Regina Ritter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $20,246.38 was paid to the Attorney General of the United States by John A. Kiecker, Administrator of the Estate of Otto Ritter, deceased;

3. That the sum of $20,246.38 was accepted by the Attorney General of the United States on December 3, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $20,246.38 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2319; Filed, Mar. 16, 1948; 8:52 a. m.]

[Vesting Order 10790]

IZAEMON UNEDA

In re: Rights of Izaemon Uneda under insurance contract. File No. F-39-6134-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Izaemon Uneda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-104448 issued by the California-Western States Life Insurance Company, Sacramento, California, to Izaemon Uneda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-2320; Filed, Mar. 16, 1948; 8:52 a. m.]

[Vesting Order 10793]

GOTTFRIED WAHL

In re: Estate of Gottfried Wahl, deceased. File No. D-66-1891; E. T. sec. 10995.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Rosina Grau (sister) Marie Grau, Rosina Grau (niece), Gottfried Grau, Martha Grau, Louise Feldman, Paul Lippold, Gertrude Lippold, Clara Lippold, Jennie Lippold, Erich Lippold, and Frieda Kurmse (nee Lippold) whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs of Paul Lippold, names unknown; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gertrude Lippold; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Clara Lippold, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jennie Lippold; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erich Lippold, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Kurmse, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Gottfried Wahl, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Public Administrator for the County of Queens, as Administrator, C T. A., acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the heirs of Paul Lippold, names unknown; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gertrude Lippold; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Clara Lippold; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jennie Lippold; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erich Lippold; and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Kurmse, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F R. Doc. 48-2321; Filed, Mar. 16, 1948; 8:53 a. m.]

[Vesting Order 10858]

HERMANN KIND

In re: Trust u/w of Hermann Kind, deceased. File No. D-28-3680.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. A. Henkels Kommandit Gesellschaft is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has, or on or since the effective date of Executive Order 8389, as amended, has had, its principal place of business in Solingen, Germany, and is a national of a designated enemy country (Germany)

2. That Emilio Iwersen, also known as Emil Iwersen, whose last known address is Solingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

3. That Hermann H. Kind is a resident of North Caldwell, New Jersey, and a citizen of the United States, who has been, on or since the effective date of Executive Order 8389, as amended, acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid nationals of a designated enemy country (Germany) and, to the extent that he has so acted, is a national of a designated enemy country (Germany)

4. That the fraction of the right, title, interest and claim of any kind or character whatsoever of the said Hermann H. Kind in, to and under the entire trust created by the will of his father, Hermann Kind, deceased, determined by dividing One Hundred Thirty Thousand Dollars ($130,000) by the value of the entire corpus of said trust as of January 15, 1940, and multiplying the product thereof by the value of the remainder interest of the aforesaid Hermann H. Kind in the said trust on its termination, is property payable or deliverable to, or claimed by Hermann H. Kind, the aforesaid national of a designated enemy country (Germany)

5. That such property is in the process of administration by Johanna M. Kind and the said Hermann H. Kind, as trustees, acting under the judicial supervision of the Surrogate's Court of Richmond County, New York;

and it is hereby determined:

6. That, to the extent that the aforesaid Hermann H. Kind, is not within a designated enemy country, the national interest of the United States requires that he be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2322; Filed, Mar. 16, 1948; 8:53 a. m.]

[Return Order 97]

CHARLES JULES FERNAND LAFEUILLE

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Charles Jules Fernand Lafeuille, Paris, France, Claim No. 6509; January 30, 1948 (13 F. R. 429); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,649,601; 1,653,712; 1,815,852 and 2,202,096, including royalties in the amount of $9,065.64. This return shall not be deemed to include the rights of any licensees under any of the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 10, 1948.

For the Attorney General.

HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2323; Filed, Mar. 16, 1948; 8:53 a. m.]

[Return Order 98]

ROBERT SOMMER

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Robert Sommer, Long Island, N. Y., Claim No. 6837; January 27, 1948 (13 F. R. 383); an undivided one-fourth part of the whole right, title and interest in and to United States Letters Patent No. 2,104,532.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 11, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2324; Filed, Mar. 16, 1948; 8:53 a. m.]

NICOLAS G. LOUMAKOS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Nicolas G. Loumakos, Neohorion, Gythien, Greece, 5623; $1,305.16 in the Treasury of the United States. 25 shares of common stock Great National Insurance Company $10 par value registered in the name of the Attorney General, presently in custody of the Comptroller, Office of Alien Property, New York, New York.

Executed at Washington, D. C., on March 11, 1948.

For the Attorney General.

HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2325; Filed, Mar. 16, 1948; 8:53 a. m.]

LOUISE COOKE TAMMARO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Louise Cooke Tammaro, La Jolla, Calif., 5469; $378.83 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Louise Cooke Tammaro in and to the Trust created under the Will of Craig Heberton, deceased; Girard Trust Company, Philadelphia, Pa., trustee.

Executed at Washington, D. C., on March 11, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2326; Filed, Mar. 16, 1948; 8:53 a. m.]